

MONONA CITY COUNCIL MINUTES  
July 20, 2020

The regular meeting of the Monona City Council, via Zoom, was called to order by Acting Mayor Wood at 7:01 p.m.

Present: Acting Mayor Doug Wood, Alderpersons Kristie Schilling, Jennifer Kuhr, Kathy Thomas, Molly Grupe, and Nancy Moore

Excused: Mayor Mary K. O'Connor

Also Present: City Administrator Bryan Gadow, City Attorney William Cole, Police Chief Walter Ostrenga, Public Works Director Dan Stephany, Project Manager Brad Bruun, Parks & Recreation Director Jake Anderson, Nick and Katie Novak, City Planner Doug Plowman, Sue Riseling from The Riseling Group, and City Clerk Joan Andrusz

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

A motion by Alder Moore, seconded by Alder Grupe to approve the Minutes of the June 25, 2020 special and July 6, 2020 regular City Council meetings, was carried.

APPEARANCES

Sarah Smith – Dane County Supervisor, District 24 appeared before the Council and provided an update on Dane County's 14-point plan to reduce the jail population and review of the criminal justice system. In particular, mental health first responders will be dispatched instead of a police officer in cases where there is no public threat.

PUBLIC HEARING and CONSENT AGENDA

There was no Public Hearing or Consent Agenda.

UNFINISHED BUSINESS

City Administrator Gadow reported the following Ordinance changes the roll-call vote requirement to \$25,000 which is currently state statute. However, a member can ask for a roll call vote at any time.

A motion by Alder Thomas, seconded by Alder Schilling to approve Ordinance 7-20-733 Amending Section 94-15 of the Code of Ordinances to Increase the Threshold Requiring Roll Call Votes, was carried.

NEW BUSINESS

Public Works Director Stephany provided information on Resolution 20-7-2421 Approval to Submit 2019 Compliance Maintenance Annual Report (CMAR) Review and Recommendation. This is an annual request; Council approval of this sewer report proves to the DNR that it was presented to the Council. The City received a Grade A. No equipment needs attention; annual maintenance is keeping up with

possible issues. 1,355 feet of sewer main is being replaced in the McKenna Road project. Infiltration & Inflow is still being monitored and remediated. Key points in the report were reviewed.

A motion by Alder Moore, seconded by Alder Grupe to suspend the rules and take action on Resolution 20-7-2424 Award of Bid for City Hall and Library HVAC Upgrades, was carried.

Project Manager Bruun reported the bid award came in well below budget. Strand Associates is familiar with this contractor and they and staff verified that the owner was comfortable with their bid. There is a 10-week lead time, which may increase due to COVID-19, to order the unit, the largest of the five units that both heat and cool. This was reviewed by the Facilities Committee twice in 2019 and again this spring; their suggestions were incorporated. Work won't interfere with Library operations. Any damage is covered by the contractor. The bids aren't itemized, so it's hard to explain the pricing gap between them, but it may be that the parent company is familiar with the facility and bid. Acting Mayor Wood and Alder Schilling thank Project Manager Bruun for his work, and savings, on this project.

A motion by Alder Thomas, seconded by Alder Moore to approve Resolution 20-7-2424 Award of Bid for City Hall and Library HVAC Upgrades. On a roll call vote, all members voted in favor of the motion.

Recreation Director Anderson provided information on Resolution 20-7-2422 Enforcing Encroachment of Structures at 1224 Birch Haven Circle onto City Property. The Novaks applied for a variance for a home improvement project and the long-standing encroachment was discovered. 1.2 acres of City property was used and maintained by the previous owner. Two motions failed at the Parks & Recreation Board; the final decision was to rent land for the shed on an annual lease and require removal of the boat launch and pier. City Planner Plowman reported the Zoning Board of Appeals approved the 2-bedroom addition in April. Now this would need City and DNR permits and there's no evidence of that being done in the past.

Alder Grupe reported the Board's deliberations were extensive. There are probably dozens of encroachments throughout the City that will need to be addressed. Approval for the shed was granted because of the small size and the resident's need for storage; they say it is essential, more so than the boat launch. It isn't as described in the original permit but it was allowed. However, the boat launch and pier structure is a public encroachment. Acting Mayor Wood stated he struggles with letting this encroachment happen when there are others.

Mr. Novak stated they have owned the home for 4 years. He didn't know it was City land, but the structures had been there for 20 and 30 years. The shed should be an easement. The boat launch is metal and steel and would rip up the shoreline to remove. They have done cleanup and repair to the structures. Mrs. Novak stated boating is a large part of their lives and it would be a hardship to replace with an approved pier as contractors won't come to that waterway. She asks for reconsideration of the Board's decision. They would stop their work on the area at any time; they don't want to take the land.

Alder Thomas questioned whether sale of 3 feet of land was considered. Recreation Director Anderson replied it wasn't; this is historically not allowed, especially sale of park property. City Attorney Cole responded to Alder Thomas's queries that riparian rights do not apply and claiming ownership by a person maintaining a property doesn't apply to municipal land. Alder Thomas stated she always knew her land abutted a park; owners should research their boundaries before a purchase.

Recreation Director Anderson reported a kayak launch and fishing pier is in the master plan for that area. Acting Mayor Wood requests that plan for the next meeting. Recreation Director Anderson stated encroachments are common on park property and are usually found when surveying for park projects. Alder Schilling reported the Novaks have done extensive cleanup work around the boat launch, which is

appreciated by their neighbors. She doesn't see how the City would want to use that land. City Attorney Cole stated if a sale is considered it is park land and there can be limitations and research would be needed on how it was acquired. Alder Grupe stated the Board is not punitive; they were sympathetic and know this was thrust upon the Novaks when they purchased the home. However, the City must preserve park land for the public and this would set a precedent.

Alder Moore questioned whether the shed could be moved and the ramp kept; the response was the concrete is too extensive. Alder Thomas stated if the Board had turned them down the Novaks wouldn't be here; the Council has to protect the public. Alder Schilling stated hindsight is 20/20; these mistakes were made many years ago. Acting Mayor Wood responded that just because it wasn't caught at the time doesn't mean it should be allowed; it does make it difficult for the Novaks and he does have consideration for them.

Alder Moore questioned whether any other encroachment is this extreme or includes permanent structures. Recreation Director Anderson responded this one is the most severe; the 15 feet of water access is well beyond the usual 3 to 4 feet. Other structures are fences or landscaping, and use of the City land as their own property, etc. Alder Moore questions whether a finding of fact could be done to consider allowing this, though precedent is dangerous. Alder Thomas raised a point of order; the Council is considering the shed only, not the boat launch. Acting Mayor Wood stated the Council is not going to vote on this tonight. He reported he received an email from Dan Jaworski, 5602 Tecumseh Avenue, in support of the Novaks.

A motion by Alder Thomas, seconded by Alder Grupe to suspend the rules and take action on Resolution 20-7-2425 Approving a Proposal from Strand Associates for Engineering Design for Improvements at Stone Bridge Park and at the Monona Community Center Loading Dock, was carried.

Recreation Director Anderson reported the loading dock was an easy, small project added to a larger project for a cost savings. Stormwater at Stone Bridge Park is the largest part. The design will be presented at the August meeting and will include Pagoda restoration site work. This was recommended for approval by the Parks & Recreation Board. Alder Kuhr stated the Landmarks Commission has a concern that the spring is maintained when grading is done around the Pagoda and they want to be invited to the Board meeting and be involved in the project. The Pagoda is a priority for the Commission and will be discussed at the Board through the permitting and design process. City Planner Plowman reported he has worked with Recreation Director Anderson; COVID-19 pushed the planned April joint meeting to August. They want to work together to minimize disruption to the park.

Recreation Director Anderson reported there have been numerous opportunities for public input on the park. Alders Schilling and Moore discussed stormwater management and the planned vault. City Administrator Gadow stated that does provide more opportunities. Recreation Director Anderson stated tonight's action is only for the design work contract and the vault will be worked around. Alder Kuhr stated stormwater isn't driving the park design as much as it was. Alder Grupe reported the August meeting will include a visual display and narrative regarding use of the space for the public.

A motion by Alder Thomas, seconded by Alder Grupe to approve Resolution 20-7-2425 Approving a Proposal from Strand Associates for Engineering Design for Improvements at Stone Bridge Park and at the Monona Community Center Loading Dock. On a roll call vote, all members voted in favor of the motion.

A motion by Alder Thomas, seconded by Alder Grupe to suspend the rules and take action on Resolution 20-7-2423 Authorizing a Contract with the Riseling Group for Investigation Services Related to Police Incident, was carried.

City Administrator Gadow introduced Ms. Riseling. One of the steps in the June 18 Resolution of Action was to recruit an outside entity to investigate the June 2 incident. Only two firms provided proposals. The contract is not to exceed \$34,000 with an end deliverable of a report of findings. Ms. Riseling stated the situation is clear for the need for review by an outside entity. Alder Thomas reported the Finance & Personnel Committee removed the notation that the person had permission to be on the premises by the owner and in Section 5, "Citizens" should be changed to "Residents". The mover and second agreed to these changes, and Alder Grupe noted the misspelling of the Group in the Resolution title.

Alder Grupe noted this is not a duplication of services with the Nehemiah Center. She received a comment that questioned whether it was an overreaction to spend money on this effort, but this was driven by community requests. She questioned whether any members of the Riseling Group are persons of color. Ms. Riseling responded that one of the three who will work on this is African American. Alder Thomas reported the Public Safety Committee is reviewing policies as well and doesn't want the Council to be put in the middle. Acting Mayor Wood stated he wants to see The Riseling Group's report before it goes to the Council.

Ms. Riseling stated best practices and most promising practices, which are different from standard practices, from around the country and national standards will be included in the review and taken into consideration, with a focus on this incident, not the Department's overall policies. She works with multiple associates but three of them, including herself, will be doing the work. Police Chief Ostrenga reported he knows Ms. Riseling personally and knows she will be brutally honest and fair.

Alder Schilling stated she hopes the City will take a more comprehensive approach, not just this review. Acting Mayor Wood responded the Public Safety Committee is working as well and a commission may be formed to fit in with the Nehemiah Center group. Alder Moore stated that commission would include residents of color and include training for the Police Department, City staff, and City Council. Alder Grupe reported the group's title is the Truth & Reconciliation Commission.

A motion by Alder Thomas, seconded by Alder Moore to approve Resolution 20-7-2423 Authorizing a Contract with the Riseling Group for Investigation Services Related to Police Incident. On a roll call vote, all members voted in favor of the motion.

City Administrator Gadow began the Discussion and Update on Staffing, Budgetary and City Operations Contingency Plans for COVID-19. The Policy was amended to include the mask order in public buildings and in the field, and signage in City Hall for visitors. As for enforcement, the City provides information and complainants can call a Dane County hotline and they will investigate violations.

## REPORTS

Members announced meeting dates and times and provided the following:

Alder Grupe reported Stone Bridge Park will be discussed at the next Parks & Recreation Board meeting. She congratulates Police Chief Ostrenga on his upcoming retirement.

Alder Moore urged listeners to take advantage of the City's tree donation policy. Ash trees are being replaced one to one. The "Tree Challenge" is on the Sustainability page of the City's website. Funds are matched for a donation of \$100 or more or if a resident plants a native species tree on their own property.

Alder Schilling reported the Landmarks Committee will host the Wednesday, 2:00 p.m. mound marker placing by Public Works staff. The marker looks great! The Pagoda will be worked on. There will be a Community Media presentation to the Council in August.

Alder Kuhr reported rain has increased and she asks residents to remove debris to clean the storm drains. She thanks Homburg Construction for their donation of the mound marker.

City Attorney Cole reported the federal lawsuit challenging the Public Health and Dane County COVID-19 mask order was dismissed. It may be re-filed, but not at this time.

City Clerk Andrusz reported the number of absentee ballots that have been mailed out for the August 11 Partisan Primary is almost at the level of the usual turnout for this election. Safety measures will be in place at the Community Center polling location to protect the health of voters and workers alike. Deputy Clerk Alene Houser has completed the third and final year of training at the UW Green Bay Institute and is well on her way to becoming a Wisconsin Certified Municipal Clerk. She will attend the completion year next year to learn about processes outside of her duties that affect her position. Congratulations, Alene! She urges voters to request and then return their ballots early. The last day to request a mailed ballot is August 6, and it is due back by 8:00 p.m. on Election Day. The Post Office has suggested ballots be mailed by the Wednesday before the election. A drive-up drop box specifically designed for ballots has been ordered using funds from the WEC CARES subgrant and will be installed by the Public Works Department in the City Hall parking lot. It will be emptied several times daily and is double-locked for security. It will be removed between elections.

#### APPOINTMENTS

There were no Appointments.

#### ADJOURNMENT

A motion by Alder Kuhr, seconded by Alder Grupe, to adjourn was carried. (8:57 p.m.)

Joan Andrusz  
City Clerk